

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2434

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 33-1227, Arizona Revised Statutes, is amended to
3 read:

4 33-1227. Amendment of declaration; master community
5 association; subcommunities

6 A. Except in cases of amendments that may be executed by a declarant
7 under section 33-1220, by the association under section 33-1206 or section
8 33-1216, subsection D, or by certain unit owners under section 33-1218,
9 subsection B, section 33-1222, section 33-1223 or section 33-1228, subsection
10 B, and except to the extent permitted or required by other provisions of this
11 chapter, the declaration, including the plat, may be amended only by a vote
12 of the unit owners to which at least sixty-seven per cent of the votes in the
13 association are allocated, or any larger majority the declaration specifies.
14 The declaration may specify a smaller percentage only if all of the units are
15 restricted exclusively to nonresidential use. The declaration may also
16 provide that the consent of the declarant is required to an amendment during
17 any period of declarant control pursuant to section 33-1243. Within thirty
18 days after the adoption of any amendment pursuant to this subsection, the
19 association shall prepare, execute and record a written instrument setting
20 forth the amendment.

21 B. An action to challenge the validity of an amendment adopted by the
22 association pursuant to this section shall not be brought more than one year
23 after the amendment is recorded.

24 C. An amendment to the declaration shall be recorded in each county in
25 which any portion of the condominium is located and is effective only on
26 recordation in the same manner as required for the declaration under section
27 33-1211.

28 D. Except to the extent expressly permitted or required by other
29 provisions of this chapter, an amendment shall not create or increase special
30 declarant rights, increase the number of units or change the boundaries of

1 any unit, the allocated interests of a unit or the uses to which any unit is
2 restricted, in the absence of unanimous consent of the unit owners.

3 E. An amendment shall not terminate or decrease any unexpired
4 development right, special declarant right or period of declarant control
5 unless the declarant approves.

6 F. Amendments to the declaration required by this chapter to be
7 executed by the association shall be executed on behalf of the association by
8 any officer of the association designated for that purpose or, in the absence
9 of designation, by the president of the association.

10 G. IF A CONDOMINIUM IS A SUBCOMMUNITY IN A MASTER COMMUNITY
11 ASSOCIATION IN WHICH SUBCOMMUNITIES OF THE MASTER COMMUNITY ARE REQUIRED TO
12 BE MEMBERS, THE DECLARATION OF THE SUBCOMMUNITY, INCLUDING THE PLAT, MAY BE
13 AMENDED ONLY IF ALL THE FOLLOWING OCCUR:

14 1. SUBCOMMUNITY UNIT OWNERS HOLDING AT LEAST A MAJORITY OF THE VOTES
15 IN THE SUBCOMMUNITY ASSOCIATION ARE PRESENT IN PERSON OR AS OTHERWISE
16 PERMITTED BY LAW AT THE MEETING OF THE SUBCOMMUNITY ASSOCIATION THAT IS HELD
17 FOR THE PURPOSE OF VOTING ON THE AMENDMENT TO THE DECLARATION.

18 2. AT LEAST SIXTY-SEVEN PER CENT OF THE SUBCOMMUNITY UNIT OWNERS
19 VOTING ON THE AMENDMENT APPROVE THE AMENDMENT.

20 3. AFTER APPROVAL OF THE AMENDMENT, THE SUBCOMMUNITY ASSOCIATION BOARD
21 OF DIRECTORS SUBMITS THE APPROVED AMENDMENT TO THE MASTER COMMUNITY
22 ASSOCIATION FOR APPROVAL OR REJECTION.

23 4. THE MASTER COMMUNITY ASSOCIATION BOARD OF DIRECTORS VOTES TO
24 APPROVE THE AMENDMENT.

25 5. THE APPROVED AMENDMENT IS RECORDED. THE AMENDMENT IS EFFECTIVE ON
26 RECORDING.

27 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes, is
28 amended by adding section 33-1817, to read:

29 33-1817. Master community association; subcommunities;
30 declaration amendment

31 IF A PLANNED COMMUNITY CONSISTS OF A MASTER COMMUNITY ASSOCIATION IN
32 WHICH SUBCOMMUNITIES OF THE MASTER COMMUNITY ARE REQUIRED TO BE MEMBERS, THE

1 DECLARATION OF A SUBCOMMUNITY, INCLUDING THE PLAT, MAY BE AMENDED ONLY IF ALL
2 OF THE FOLLOWING OCCUR:

3 1. SUBCOMMUNITY MEMBERS HOLDING AT LEAST A MAJORITY OF THE VOTES IN
4 THE SUBCOMMUNITY ASSOCIATION ARE PRESENT IN PERSON OR AS OTHERWISE PERMITTED
5 BY LAW AT THE MEETING OF THE SUBCOMMUNITY ASSOCIATION THAT IS HELD FOR THE
6 PURPOSE OF VOTING ON THE AMENDMENT TO THE DECLARATION.

7 2. AT LEAST SIXTY-SEVEN PER CENT OF THE SUBCOMMUNITY MEMBERS VOTING ON
8 THE AMENDMENT APPROVE THE AMENDMENT.

9 3. AFTER APPROVAL OF THE AMENDMENT, THE SUBCOMMUNITY ASSOCIATION BOARD
10 OF DIRECTORS SUBMITS THE APPROVED AMENDMENT TO THE MASTER COMMUNITY
11 ASSOCIATION FOR APPROVAL OR REJECTION.

12 4. THE MASTER COMMUNITY ASSOCIATION BOARD OF DIRECTORS VOTES TO
13 APPROVE THE AMENDMENT.

14 5. THE APPROVED AMENDMENT IS RECORDED. THE AMENDMENT IS EFFECTIVE ON
15 RECORDING."

16 Amend title to conform

MICHELE REAGAN

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02/16/2009
10:30 AM
C: myr